

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-10, 12, 14, and 16 are pending in the present application, Claims 1, 2, 4, 6, 8, 9, 10, 12, 14, and 16 having been amended, and Claims 11, 13 and 15 having been canceled without prejudice or disclaimer. Support for the present amendments is found, for example, in the now canceled claims and at paragraph [0018] of the originally filed specification. Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Claims 1 and 9 were objected to; Claims 1 and 6 were rejected under 35 U.S.C. §103(a) as unpatentable over Lin (U.S. Patent Publication No. 2002/0025824) in view of Orler (U.S. Patent No. 7,076,256); and Claims 2-5 and 7 were rejected under 35 U.S.C. §103(a) as unpatentable over Lin in view of Orler, and further in view of Raith (U.S. Patent No. 6,856,807); Claims 8-10 were rejected under 35 U.S.C. §103(a) as unpatentable over Lin in view of Orler, and further in view of Duvall (U.S. Patent No. 6,876,858); and Claims 11, 12, 15, and 16 were rejected under 35 U.S.C. §103(a) as unpatentable over Lin in view of Orler, and further in view of Reed (U.S. Patent Publication No. 2005/0113113); and Claims 13 and 14 were rejected under 35 U.S.C. §103(a) as unpatentable over Lin in view of Orler, and further in view of Duvall and Reed.

With respect to the objection to Claims 1 and 9, the present amendment further clarifies that the communication partner equipment is not part of the portable communication terminal through a change in punctuation used in the claims (see added semicolon). Thus, this ground of objection is overcome.

The invention defined by amended Claim 1 is further clarified based on the previously presented dependent claims. The “user data” is further clarified as being “picture data.” Thus, the independent claims generally describe a portable communication device that

transmits picture data to a communication partner equipment via a user channel and that transmits location information to the communication partner equipment via a control channel. The communication partner equipment stores the picture data in association with the location information. The picture data and the location information are transmitted by the communication partner equipment together.

Page 12 of the outstanding Office Action acknowledges that Lin and Orler do not disclose the user data is picture data. Lin does not disclose storing picture data. Lin describes that the HLR stores subscription details allocated to the subscriber.¹ Thus, amended Claim 1 distinguishes over Lin and Orler.

The outstanding Office Action relies upon Reed to describe picture data. Lin, Orler, and Reed do not disclose the invention defined by Claim 1. Even if the base station in Lin received the picture data of Reed and location information, Lin fails to disclose that the base station “stores the picture data in association with the location information received from the location transmitting means of the portable communication device” and “transmits the picture data together with the location information to a receiver terminal.” If a base station were to store picture data and location information, they are not necessarily stored in association with each other.

Even considering the embodiments in Lin where another mobile station or somebody wants to know the position of mobile station 20, there is no description of receiving anything other than the position of the mobile station 20. The base station of Lin does not transmit the picture data together with the location information to a receiver terminal.

Thus, Lin, Orler, and Reed, when taken in proper combination, do not disclose or suggest the claimed

the communication partner equipment stores the
picture data in association with the location information

¹ Lin, paragraph [0006].

received from the location transmitting means of the portable communication device, and the communication partner equipment transmits the picture data together with the location information to a receiver terminal.

Moreover, Lin does not disclose a portable communication terminal that transmits picture data to the communication partner equipment via the user channel and the communication partner storing the picture data, as recited in Claim 1. Lin describes the HLR storing the subscription details in advance, but not receiving the subscription details from a terminal.

Moreover, in the invention defined by Claim 1, the picture data and the location information from the terminal are transmitted to the same destination (the “receiver terminal”). In Lin, the mobile station only sends the location registration data stream to the base station.² Lin does not disclose the claimed “the communication partner equipment transmits the picture data together with the location information to a receiver terminal.”

In view of the above-noted distinctions, Applicants respectfully submit that amended Claim 1 (and any claims dependent thereon) patentably distinguish over Lin, Orler, and Reed. Claims 6 and 9 recite elements analogous to those of Claim 1. Thus, Applicants respectfully submit that Claims 6 and 9 (and any claims dependent thereon) patentably distinguish over Lin, Orler, and Reed, for at least the reasons stated for Claim 1.

Addressing each of the further rejections, each of the further rejections is also traversed by the present response as no teachings in any of the further cited references to Raith and Duvall can overcome the above-noted deficiencies of Lin, Orler, and Reed. Accordingly, it is respectfully requested that those rejections be withdrawn for similar reasons as discussed above.

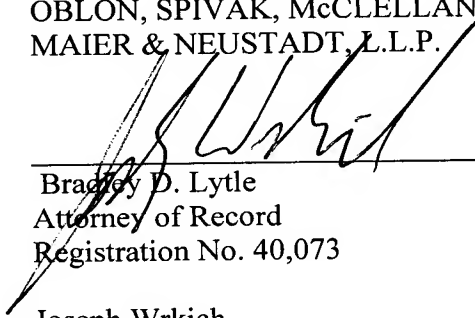
² Lin, paragraph [0037].

Application No. 10/574,225
Reply to Office Action of April 13, 2010

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)
3785691_2

Joseph Wrkich
Registration No. 53,796